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1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

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WRITER'S DIRECT DIAL NUMBER

May 19, 1997

FACSIMILE
(202) 429-7049

(202) 828-4452

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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MAY 19 1997

Federal Communications Commission
Office of Secretary

Re: *Ex Parte* Communication, CC Docket No. 95-116, Telephone Number Portability

Dear Mr. Caton:

The attached letter is a copy of a written *ex parte* communication given today to various members of the Commission staff. In accordance with Section 1.1206(a)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1), I am hereby submitting two copies for inclusion in the public record. The letter lists all of the staff members who have been given a copy.

If you have any questions regarding this submission, please feel free to contact me at the number listed above.

Respectfully submitted,

Karen Kincaid
Karen A. Kincaid
Counsel for Motorola, Inc.

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MOTOROLA

May 19, 1997

Mr. David Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2100 M Street, N.W.
7th Floor
Washington, D.C. 20554

Via Hand Delivery

Re: Ex Parte Presentation, CC Docket No. 95-116, Telephone Number Portability

Dear Mr. Furth:

On Tuesday, April 15, 1997, representatives from Motorola met with you and members of your staff to discuss how number portability might be carried out in an SMR system configuration and, based on that discussion, whether a workable definition of "covered SMRs" can be developed in the number portability context.

We thought it might be helpful to follow up with brief written responses to several questions that arose during our meeting. We hope that these responses, which are set forth herein, will be of assistance to you as you attempt to bring this proceeding to completion. As detailed below, in Motorola's view, most traditional SMR systems, *i.e.*, those providing predominantly dispatch service, lack the technical capability to facilitate number portability. In addition, requiring these operators to provide number portability will not further the policy goals that the Commission hopes to enhance – namely, promoting competition between providers of local telephone services – through the imposition of number portability obligations. Accordingly, Motorola urges the Commission to adopt a definition of "covered SMRs" that exempts traditional SMR operators from the number portability requirements. Motorola believes that the definition recommended in AMTA's December 16, 1996, Petition for Declaratory Ruling accomplishes this goal. The definition suggested by AMTA is discussed more fully below.

As background, Section 251(b) of the Telecommunications Act of 1996 defines "number portability" as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." Although Section 251(b) excludes commercial mobile radio service ("CMRS") providers from the obligation to provide number portability, the Commission has determined that the public interest will be served by extending such an obligation to CMRS operators.

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In particular, the Commission has decided to require all cellular, broadband PCS, and "covered SMR" carriers to implement long-term "service provider portability" in accordance with the following schedule: (1) by December 31, 1998 (the date by which wireline carriers must complete implementation of number portability in the largest MSAs), all cellular, broadband PCS, and covered SMR operators must be capable of querying appropriate number portability database systems in order to deliver calls from their networks to ported numbers anywhere in the country; and (2) by June 30, 1999, all cellular, broadband PCS, and covered SMR providers must offer service provider portability throughout their networks, including the ability to support roaming.

"Covered SMR providers" as defined by the Commission in the number portability context includes two classes of SMR licensees: (1) 800 MHz and 900 MHz SMR licensees that hold geographic area licenses; and (2) incumbent wide-area SMR licensees, defined as licensees that have obtained extended implementation authorizations, either by rule or by waiver. In addition, within these classes, "covered SMR providers" encompasses only those licensees "that offer real-time, two-way switched voice service that is interconnected with the public switched telephone network, either on a stand-alone basis or packaged with other telecommunications services."

The above definition of "covered SMR providers" encompasses many traditional analog SMR operators at 800 MHz and 900 MHz that have been granted extended implementation schedules, as well as numerous traditional 900 MHz SMRs that acquired geographic area licenses at auction. As detailed below, the fact that an SMR operator has an extended implementation schedule or a geographic area 900 MHz SMR license, and has some limited ability to offer interconnected real-time, two-way switched voice service, does not mean that the licensee intends to up-grade its traditional analog system functionality, nor does it imply that such licensees are capable of facilitating number portability.

To assist your staff in understanding how a traditional SMR system provides service interconnected with the public switched telephone network ("PSTN"), I have developed the following questions and answers. The traditional SMR system described is a half-duplex or simplex system. Full duplex systems and "enhanced" SMR ("ESMR") systems also exist. Although full duplex systems do not have the push-to-talk type of subscriber unit described in the questions and answers, the basic limitations discussed below are equally applicable to full duplex, traditional SMR operators. In Motorola's view, ESMR systems are substantially different from these types of systems because EMSR subscriber units generally *do* have a unique telephone number associated with them, and most EMSR systems have switching capabilities that allow the system to meet the number portability requirements. Where these features exist, implementing number portability is feasible; where they do not, portability is generally not possible.

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Question 1: If a traditional SMR operator has a license indicating that it offers interconnected service, does that mean that each subscriber unit served has interconnect capability?

Answer: No. The primary purpose of most traditional SMR systems is the provision of dispatch communications. Most dispatch subscriber units do not have interconnect capability programmed into the unit. In addition, the traditional SMR operator that provides service interconnected with the PSTN generally allows only a small percentage (10 to 15%) of its subscriber units to be programmed with interconnect capability.

The reason for this limitation is simple: with interconnect capability, a frequency channel and a PSTN line are captured and in use for the entire duration of an interconnected call. SMR carriers typically have only 5-20 channels for 350-2500 subscriber units. Thus, the only way to have viable service is to limit communications to dispatch-type functions. Generally, traditional SMR operators limit not only the number of units with interconnect capability but also limit the duration of interconnect calls with time-out timers.

Question 2: In a traditional SMR system configuration, where do the landlines connect to the SMR system? How many PSTN lines does a traditional SMR operator typically have associated with its system to provide some subscriber units with interconnected service?

Answer: The PSTN lines are wired to connect at the base station/repeater location; interconnection of the SMR system with the PSTN occurs where the PSTN lines are connected to the controller. Typically, base station/repeater locations are maintained by the traditional SMR operator but are not staffed on site by personnel. Base station/repeater locations are usually in locked cinder block buildings atop a mountain or in an open field, or are installed in rooms on a building rooftop.

A traditional SMR operator typically has up to three PSTN lines on a 5-channel SMR to provide subscribers with interconnected service. The 5-channel system may support 350-500 subscriber units. Thus, if even *one* subscriber were to utilize an SMR channel and PSTN line for a consumer-like conversation, other SMR subscribers would experience a significant increase in busy signals and delays in obtaining access to a telephone line to complete an interconnected call. Similarly, other subscribers would suffer delays in obtaining access to the trunked radio channel for dispatch communications.

Question 3: Describe what happens in a traditional SMR system when a subscriber makes an interconnected call.

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Answer: With a simplex or half-duplex system, a subscriber must first use a unit that has been programmed to allow it to make interconnected calls. Typically, only 10-15% of the units used by traditional SMRs are programmed with interconnect capabilities.

Second, a subscriber using a unit that has been programmed for interconnected service pushes the interconnect button on the unit. The subscriber will then get a dial tone if there is an available PSTN line at the base station.

Third, the subscriber dials a 7 or 10-digit PSTN telephone number. When the called party picks up, the SMR subscriber pushes the "talk" button on the unit and begins to talk. The SMR subscriber releases the "talk" button when listening.

Note: If the party called has caller ID on the PSTN unit, the number that appears is the PSTN line number at the base station, not the number of the subscriber unit.

Question 4: Describe what happens when a PSTN caller tries to call an SMR subscriber unit.

Answer: The landline caller would need the 7 or 10-digit number of one of the PSTN lines connected to the SMR system at the base station location and also the subscriber unit's Private Identification Number (PIN). This PIN number can be a 3 to 7-digit number, depending on the switch configuration but, in most cases, is not a PSTN number. If the PSTN caller connects to the base station/repeater location, *i.e.*, the line is not busy and the call rings through, the PSTN caller will get an acknowledge tone. The PSTN caller must then dial the unit PIN of the subscriber unit.

Note: Subscriber units that are not programmed for interconnect do not have the capability either to initiate or receive a call from the PSTN. In the majority of cases, a subscriber on a traditional SMR system does not have any units programmed for interconnect capability and must rely on the dispatcher to be an intermediary.

Question 5: How would an SMR subscriber on most traditional SMR systems exercise number portability?

Answer: As described above, most traditional SMR units have only system PIN numbers associated with the units – they do not have PSTN telephone numbers. The PSTN lines accessed by SMR subscriber units with interconnect capability are PSTN lines wired at the base station location and billed to the SMR system operator. The PSTN lines are shared by all subscriber units on the system that are programmed for interconnect capability.

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Because the SMR system operator's lines are shared by all the subscriber units programmed for interconnect capability, if one subscriber were to have the authority to "port" a number when leaving the SMR system, other users sharing the PSTN line(s) connected at the base station location would be without service for that particular line. This raises the problem that any benefits of number portability in this context would be denied to the users remaining on the system that also shared the line number being "ported." Further, the subscriber would be porting a number that was never uniquely associated with that unit.

Question 6: How would an SMR subscriber call a "ported" number?

Answer: A typical traditional SMR interconnection arrangement with a local exchange carrier ("LEC") is akin to the single line or simple multi-line interconnection of other business or residential subscribers that do not have special trunking arrangements. In other words, most traditional SMRs have no in-network switching capability. Thus, any database look-up and routing would have to be handled by the LEC under special arrangements with the SMR operator.

Based on the above, Motorola believes that the definition of "covered SMR providers" formulated by the Commission is overly broad and will encompass many traditional SMR systems that lack the technical capability to perform number portability, and whose users do not require such functionality as their communications are largely limited to their fleet dispatcher and other fleet members. As mentioned, in Motorola's view, the definition recommended by AMTA in its petition for declaratory ruling appropriately excludes these traditional SMR operators from the definition of "covered SMR providers" and from the number portability requirements applicable to CMRS licensees. In accordance with AMTA's definition, "covered SMR providers" would include "providers of Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands that hold geographic area licenses . . . and offer real-time, two-way interconnected voice service using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnect call handoff among base stations . . ." For the reasons set forth above, Motorola supports the adoption of this definition in determining which licensees will be subject to number portability obligations.

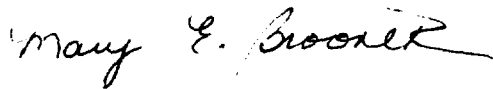
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I am hopeful that the foregoing information will be useful to you and the members of your staff. If you have any questions or need any additional information, please feel free to call me at (202) 371-6900.

Respectfully submitted,



Mary E. Brooner
Manager, Telecommunications Strategy and
Regulation
Motorola, Inc.

cc: Office of the Secretary/Docket file (2 copies)
The Honorable Reed E. Hundt
The Honorable James Quello
The Honorable Susan Ness
The Honorable Rachelle B. Chong
Ms. Rosalind K. Allen
Ms. Mika Savir
Mr. Jeffrey Steinberg
Ms. Rhonda Lein